
HOUSE BILL 1918

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Wilcox, Short, Angel, Kretz, and Orcutt

Read first time 02/18/13. Referred to Committee on Environment.

1 AN ACT Relating to limiting the geographic scope of bans on the use
2 of solid fuel burning devices in nonattainment counties; and amending
3 RCW 70.94.473.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.94.473 and 2012 c 219 s 1 are each amended to read
6 as follows:

7 (1) Any person in a residence or commercial establishment which has
8 an adequate source of heat without burning wood shall:

9 (a) Not burn wood in any solid fuel burning device whenever the
10 department has determined under RCW 70.94.715 that any air pollution
11 episode exists in that area;

12 (b) Not burn wood in any solid fuel burning device except those
13 which are either Oregon department of environmental quality phase II or
14 United States environmental protection agency certified or certified by
15 the department under RCW 70.94.457(1) or a pellet stove either
16 certified or issued an exemption by the United States environmental
17 protection agency in accordance with Title 40, Part 60 of the code of
18 federal regulations, in the geographical area and for the period of

1 time that a first stage of impaired air quality has been determined, by
2 the department or any authority, for that area.

3 (i) A first stage of impaired air quality is reached when
4 forecasted meteorological conditions are predicted to cause fine
5 particulate levels to exceed thirty-five micrograms per cubic meter,
6 measured on a twenty-four hour average, within forty-eight hours,
7 except for areas of fine particulate nonattainment or areas at risk for
8 fine particulate nonattainment;

9 (ii) A first stage burn ban for impaired air quality may be called
10 for ~~((a county containing))~~ fine particulate nonattainment areas
11 ~~((or))~~, areas at risk for fine particulate nonattainment, ~~((and when~~
12 ~~feasible only for the necessary portions of the))~~ or for easily
13 identifiable geographic areas narrowly encompassing nonattainment or
14 at-risk areas, but not for an entire county, when forecasted
15 meteorological conditions are predicted to cause fine particulate
16 levels to reach or exceed thirty micrograms per cubic meter, measured
17 on a twenty-four hour average, within seventy-two hours; and

18 (c)(i) Not burn wood in any solid fuel burning device in a
19 geographical area and for the period of time that a second stage of
20 impaired air quality has been determined by the department or any
21 authority, for that area. A second stage of impaired air quality is
22 reached when a first stage of impaired air quality has been in force
23 and has not been sufficient to reduce the increasing fine particulate
24 pollution trend, fine particulates are at an ambient level of twenty-
25 five micrograms per cubic meter measured on a twenty-four hour average,
26 and forecasted meteorological conditions are not expected to allow
27 levels of fine particulates to decline below twenty-five micrograms per
28 cubic meter for a period of twenty-four hours or more from the time
29 that the fine particulates are measured at the trigger level.

30 (ii) A second stage burn ban may be called without calling a first
31 stage burn ban only when all of the following occur and shall require
32 the department or the local air pollution control authority calling a
33 second stage burn ban under this subsection to comply with the
34 requirements of subsection (3) of this section:

35 (A) Fine particulate levels have reached or exceeded twenty-five
36 micrograms per cubic meter, measured on a twenty-four hour average;

37 (B) Meteorological conditions have caused fine particulate levels
38 to rise rapidly;

1 (C) Meteorological conditions are predicted to cause fine
2 particulate levels to exceed the thirty-five micrograms per cubic
3 meter, measured on a twenty-four hour average, within twenty-four
4 hours; and

5 (D) Meteorological conditions are highly likely to prevent
6 sufficient dispersion of fine particulate.

7 (iii) In fine particulate nonattainment areas or areas at risk for
8 fine particulate nonattainment, a second stage burn ban may be called
9 for the ~~((county containing the))~~ nonattainment area ~~((or))~~, areas at
10 risk for nonattainment, ~~((and when feasible only for the necessary
11 portions of the))~~ or for easily identifiable geographic areas narrowly
12 encompassing nonattainment or at-risk areas, but not for an entire
13 county, without calling a first stage burn ban only when (c)(ii)(A),
14 (B), and (D) of this subsection have been met and meteorological
15 conditions are predicted to cause fine particulate levels to reach or
16 exceed thirty micrograms per cubic meter, measured on a twenty-four
17 hour average, within twenty-four hours.

18 (2) Actions of the department and local air pollution control
19 authorities under this section shall preempt actions of other state
20 agencies and local governments for the purposes of controlling air
21 pollution from solid fuel burning devices, except where authorized by
22 chapter 199, Laws of 1991.

23 (3) The department or any local air pollution control authority
24 that has called a second stage burn ban under the authority of
25 subsection (1)(c)(ii) of this section shall, within ninety days,
26 prepare a written report describing:

27 (a) The meteorological conditions that resulted in their calling
28 the second stage burn ban;

29 (b) Whether the agency could have taken actions to avoid calling a
30 second stage burn ban without calling a first stage burn ban; and

31 (c) Any changes the department or authority is making to its
32 procedures of calling first stage and second stage burn bans to avoid
33 calling a second stage burn ban without first calling a first stage
34 burn ban.

35 After consulting with affected parties, the department shall
36 prescribe the format of such a report and may also require additional
37 information be included in the report. All reports shall be sent to

1 the department and the department shall keep the reports on file for
2 not less than five years and available for public inspection and
3 copying in accordance with RCW 42.56.090.

4 (4) For the purposes of chapter 219, Laws of 2012, an area at risk
5 for nonattainment means an area where the three-year average of the
6 annual ninety-eighth percentile of twenty-four hour fine particulate
7 values is greater than twenty-nine micrograms per cubic meter, based on
8 the years 2008 through 2010 monitoring data.

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